



OCT 05 2001

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/753,537

Filing Date

Jan. 2, 2001

First Named Inventor

David L. Multer

Group Art Unit

2631

Examiner Name

Unknown

Attorney Docket Number

FUSN1-01003US0

ENCLOSURES (check all that apply)

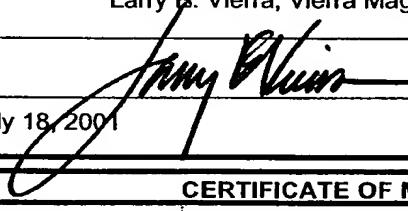
- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):
Declaration for Patent Application Abstract

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Larry E. Vierra, Vierra Magen Marcus Harmon & DeNiro LLP	
Signature		
Date	July 18, 2001	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	Larry E. Vierra	
Signature		Date
	July 18, 2001	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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TRANSMITTAL FORM

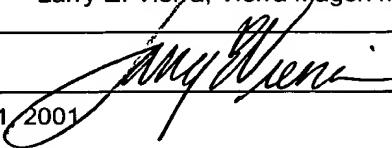
(to be used for all correspondence after initial filing)

		Application Number	09/753,537
		Filing Date	Jan. 2, 2001
		First Named Inventor	David L. Multer
		Group Art Unit	2631
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	FUSN1-01003US0

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Notice of Incomplete Reply
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Copy of Transmittal Form
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Copy of Abstract
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Larry E. Vierra, Vierra Magen Marcus Harmon & DeNiro LLP	
Signature		
Date	October 1, 2001	

CERTIFICATE OF MAILING

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Typed or printed name	Larry E. Vierra	
Signature		Date
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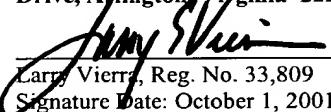


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventors: Multer, et al.)	Art Unit: 2631
)	
Application No.: 09/753,537)	Examiner: Unassigned
)	
Filed: January 2, 2001)	
)	
Title: BINARY DATA)	<u>Customer No. 28554</u>
SYNCHRONIZATION ENGINE)	
)	

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to, **Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513** on October 1, 2001.

 (Attorney Signature)
Larry Vierr, Reg. No. 33,809
Signature Date: October 1, 2001

RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL).

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in reply to the Notice of Incomplete Reply mailed on September 13, 2001. The Notice indicates that the reply mailed on July 18, 2001 and received by the U.S. Patent and Trademark Office on July 23, 2001 was incomplete as it did not contain a new abstract as required by the Notice of Missing Parts dated February 21, 2001.

However, applicants respectfully submit that the reply did in fact contain a new abstract. Enclosed herewith is a copy of the date stamped postcard returned by the U.S. Patent and Trademark Office which indicates that an Abstract was being submitted. MPEP §503 provides that:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Also enclosed herewith is another copy of the Transmittal Letter and Abstract which were originally mailed on July 18, 2001.

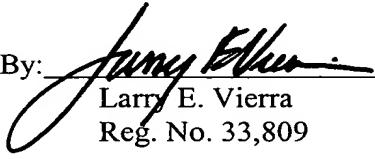
It is therefore respectfully requested that the Notice of Incomplete Reply be withdrawn and the application be forwarded to the Examiner.

Should further questions remain, please do not hesitate to contact the undersigned attorney.

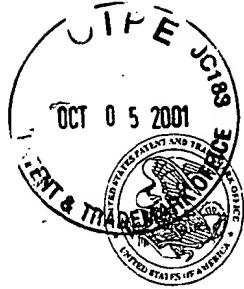
Respectfully Submitted,

Dated: October 1, 2001

By:


Larry E. Vierra
Reg. No. 33,809

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
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San Francisco, CA 94105-4206
Telephone: (415) 369-9660
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/753,537	01/02/2001	David L. Multer	FUSN1-01003US0

CONFIRMATION NO. 1714

FORMALITIES LETTER



OC000000006550770

Larry E. Vierra
Vierra Magen Marcus
Harmon & DeNiro LLP
685 Market Street, Suite 540
San Francisco, CA 94105

Date Mailed: 09/13/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

*A copy of this notice **MUST** be returned with the reply.*

M
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



The United States Patent and Trademark Office date stamp
sets forth the date of receipt of:

Applicant: Multer, et al.
Appl. No: 09/753,537
Filing Date: Jan. 2, 2001
Title: Binary Data Synchronization Engine

Enclosed:

1. Transmittal Form
2. Fee Transmittal
3. Petition for Extension of Time
4. Copy of Notice of Missing Parts
5. Declaration
6. Assignment and Recordation Form Cover Sheet
7. Abstract
8. Check in the amount of \$550.00
9. Certificate of Mailing



Attorney Docket No.: FUSNI-01003US0 Attorney: Larry E. Vierra
Mailing Date: July 18, 2001

Vierra Magen Marcus Harmon & DeNiro
File: FUSNI-01003US0
Action: Office Action Expected
Due Date: Apr. 2, 2002
Deadline Date: _____
Attorney Path: EV 